



**COMMONWEALTH OF MASSACHUSETTS
BOARD OF REGISTRATION IN NURSING
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www.mass.gov/dph/boards/rn**

GOOD MORAL CHARACTER LICENSURE REQUIREMENT INFORMATION SHEET

Initial Nurse Licensure by Examination or by Reciprocity or Advanced Practice Registered Nurse Authorization in Massachusetts

The Massachusetts Board of Registration in Nursing (Board), as a regulatory agency of state government, protects the health, safety and welfare of the citizens of the Commonwealth by licensing qualified Registered Nurses, Licensed Practical Nurses, and authorizing qualified Registered Nurses for Advance Registered Nurse Practice in accordance with Massachusetts General Laws (G.L.) Chapter 112, sections 74, 74A, 76, and 80B and Board regulations at 244 CMR 8.00. The laws and regulations governing nurse licensure are established to ensure that each initial applicant for licensure as a Registered Nurse, or Licensed Practical Nurse, and/or authorization as an Advanced Practice Registered Nurse (APRN) authorization in Massachusetts will possess the knowledge, skills and abilities needed to provide safe, competent nursing care.

Each applicant¹ for initial nurse licensure by examination or by reciprocity, or initial APRN authorization by the Board in Massachusetts must comply with the "good moral character" (GMC) requirement specified at G.L. c. 112, secs. 74, 74A, 76, and 80B. The Massachusetts initial nurse licensure application and the authorization to practice as an APRN (authorization) application include questions about criminal convictions (misdemeanors and felonies) and disciplinary actions by a licensure/certification body.

Each initial applicant has the burden to demonstrate compliance with the GMC requirement. This Information Sheet is designed to assist initial applicants, as well as any person interested in a nursing career, to understand the GMC requirement. Review it carefully. The Board's policies regarding the GMC requirement are available online at www.state.ma.us/reg/boards/rn.

Each initial applicant who answers "yes" to the license or authorization application questions related to a criminal conviction or disciplinary action must demonstrate compliance with the GMC licensure requirement in accordance with the Board's Licensure Policy 00-01: *Determination of Good Moral Character Compliance for Initial Nurse Licensure by Examination or Reciprocity, or for Advanced Practice Authorization by the Board*, effective January 1, 2000 and last revised on February 14, 2007 (GMC Policy). Under the GMC policy, an initial applicant convicted of certain specified crimes set forth in the GMC Policy will be *permanently* excluded from nurse licensure or

¹ The word "applicant" shall hereinafter be used to mean any applicant for initial Massachusetts nurse licensure as well as for initial APRN authorization by the Board.

Revised 1/1/2000, 10/02(r), 5/05, 6/05, 12/15/05, 2/14/07

authorization, or both, in Massachusetts (see Table 1). The GMC Policy also provides that an initial applicant convicted of any other crime(s) will be *temporarily* excluded from licensure, or authorization, or both, until she or he has been conviction-free for a minimum period of five (5) years and has had all court-ordered requirements closed for a minimum of one (1) year before the date the Board receives the application for initial licensure, or authorization, or both (see Table 1), *unless* the applicant meets the criteria for the exception to this temporary exclusion (see Table 2). In addition, an initial applicant who knowingly falsifies, or knowingly attempts to falsify, information directly related to the applicant's qualifications for the National Council Licensure Examination (NCLEX) or licensure, or who cheats on the NCLEX or on any other licensure or certification examination will *not* be considered compliant with the GMC requirement and will be excluded from initial licensure or authorization in Massachusetts for at least five (5) years (see Table 1).

The GMC policy further provides that all disciplinary action imposed by a licensure/certification body must be satisfactorily completed and all disciplinary matters closed before the Board will evaluate the initial application. In addition, the Board will not evaluate the GMC compliance of any initial applicant with court-ordered requirements or any open criminal matter unless the applicant has met all such requirements and all criminal matters involving the applicant are closed.

All initial applicants who answer "yes" to the GMC related application questions and who are not permanently or temporarily excluded from licensure, or authorization, or both as set forth in the GMC Policy *must* submit all of the relevant documentation outlined on *Attachment A* in order for the Board to determine the applicant's compliance with the GMC licensure requirement. The Board will not evaluate any application for compliance with the GMC requirement until it has received *all* required documentation from the initial applicant.

Definition of criminal conviction

For the purpose of the Board's GMC Policy, the meaning of "conviction," which applies to both misdemeanors and felonies, and which an initial applicant must report to the Board, includes any of the following:

- a verdict or finding of guilty
- a plea of guilty
- a plea of nolo contendere (no contest)
- any other plea treated by a court as a guilty plea regardless of the jurisdiction in which the conviction was entered.

Mandatory Permanent and Mandatory Temporary exclusions from initial nurse licensure and APRN authorization

Under the GMC Policy, the conduct and criminal convictions that will result in either *mandatory permanent* or *mandatory temporary* exclusion from initial nurse licensure or authorization in Massachusetts are listed below in Table 1.

Table 1

<i>Mandatory Permanent Exclusion from Licensure or Authorization</i>	<i>Mandatory Temporary Exclusion from Licensure or Authorization</i>
<p>1) The conduct underlying the following crimes:</p> <ul style="list-style-type: none"> • Administering drugs to obtain sex • Aggravated sexual assault • Armed assault with intent to murder with felony intent • Armed assault with intent to rob • Assault and battery dangerous intimidation, race, color, religion • Assault with intent to rape • Breaking and entering, day/night, intent to commit felony, fear • Burglary, armed assault on occupant • Burning a building • Burning dwelling house (attempt) • Indecent assault and battery, child 14 or over • Indecent assault and battery, child under 14 • Induce sex, minor • Kidnapping • Murder • Rape • Unnatural acts with child under 16; <p>2) the conduct underlying any violent crime against any person(s) that exhibits intentional or deliberate extreme disregard of human life;</p> <p>3) trafficking in, or illegally manufacturing, any controlled substance; and</p> <p>4) exploitation or criminal mistreatment of a vulnerable individual including, but not limited to, a minor, elder, and/or disabled person.</p>	<p>1) Any criminal conviction within the five (5) year period immediately preceding the date the Board receives the initial licensure or authorization application, that does not otherwise require mandatory permanent exclusion from licensure;</p> <p>2) knowingly falsifying, or knowingly attempting to falsify, any documentation or information submitted on an application for examination or for licensure or for authorization, that is directly related to the qualifications for such examination or licensure, or authorization; or</p> <p>3) cheating on the National Council Licensure Examination (NCLEX), or on any other licensure or certification examination.</p>

Exception to the mandatory temporary exclusion from licensure or authorization or both due to a criminal conviction

An initial applicant who may be temporarily excluded from licensure, or authorization, or both due to a criminal conviction may, however, request that the Board evaluate his or her compliance with the GMC requirement in accordance with the case by case determination process, *provided that* the applicant meets *all* the requirements listed in below in Table 2.

Table 2

Criteria for the *exception* to temporary exclusion from licensure, or authorization, or both, due to a criminal conviction:

- 1) The applicant has submitted a signed, written request for the determination of her or his compliance with the GMC requirement, *together with* all applicable documentation listed on *Attachment A*;
- 2) Within the five-year period immediately preceding the Board's receipt of the application, the applicant:
 - a) has had only one criminal conviction for a single misdemeanor offense or multiple criminal convictions for misdemeanor offenses that are all based on the same criminal incident or episode;
 - b) was not sentenced to any period of incarceration, whether suspended or stayed; and
 - c) has successfully completed all related court-ordered requirements, if any, including probation;
- 3) The applicant's criminal conduct, if it occurred outside Massachusetts, would constitute a misdemeanor if it had occurred in Massachusetts;
- 4) The crime(s) for which the applicant was convicted was victimless and nonviolent; and
- 5) The applicant has no open criminal case(s).

GMC case by case determination criteria

In each case where an applicant is not required to be permanently or temporarily excluded from licensure, or authorization, or both, under this Policy, the Board will evaluate the applicant's compliance with the GMC requirement on a case by case basis. The Board will conduct this evaluation to determine whether the applicant's conduct:

- poses a threat to the public health, safety or welfare;
- is of significance to the provision of safe and competent nursing care; and
- is characteristic of the applicant's conduct.

In making its determination of an applicant's GMC compliance, the Board will evaluate factors including, but not limited to:

- the nature and seriousness of all conduct at issue, including any criminal conviction(s) or disciplinary action(s) by a licensure/certification body;
- the sufficiency of the applicant's sustained rehabilitation;
- the applicant's age at the time all conduct at issue occurred;
- the frequency of occurrence of all conduct at issue;
- the recency of all conduct at issue;
- any mitigating or aggravating circumstances related to the conduct; and
- the applicant's acknowledgement of her/his accountability for her/his conduct and recognition of its significance to nursing licensure or authorization, or both.

Documentation required for determination of GMC compliance

It is the initial applicant's responsibility to submit to the Board adequate documentation and other information for the Board to determine whether the applicant possesses the requisite GMC for licensure. In evaluating an applicant's GMC, the Board considers all available pertinent information as to the applicant's present and past conduct.

Note carefully: Each initial applicant whose GMC compliance is at issue must submit to the Board with her or his application all applicable documentation listed on *Attachment A*. If the Board requires any information in addition to the documentation listed on *Attachment A*, the Board will notify the applicant in writing. Consistent with the Board's duty to ensure that the conduct of each applicant to whom it grants a nursing license, or authorization, or both, does not pose an unacceptable risk to the public health, safety and welfare, the Board may at its discretion may conduct criminal history background checks.

Initial applicants for licensure by examination may submit required documentation up to eight (8) weeks before graduation from a Board approved nursing education program. The Board will not consider such documentation that is submitted more than eight (8) weeks before graduation.

What to expect after submitting all required documentation

The amount of time that is needed for the Board to determine an initial applicant's compliance with the GMC requirement varies. However, an initial applicant should expect that **the process will take at least eight (8) weeks**.

The Board may require an initial applicant with multiple convictions involving alcohol or drug use to be evaluated by a Board-designated clinician to determine the applicant's current recovery status and future risk for relapse. This assessment must be completed and submitted to the Board before it will evaluate the applicant's GMC compliance. The applicant will be responsible for any and all expenses incurred in connection with this evaluation.

Applicants who may be permanently or temporarily denied licensure, or authorization, or both, based on Massachusetts Criminal Offender Record Information (CORI) will be afforded an opportunity to challenge the accuracy or relevance of the CORI before the Board makes a final decision.

**Commonwealth of Massachusetts
Board of Registration in Nursing**

ATTACHMENT A

Documentation Required For Determination of “Good Moral Character”

REQUIRED DOCUMENTATION <i>Note:</i> Fax transmissions will not be accepted.	WHO MUST SUBMIT
Massachusetts Criminal Offender Record Information Form signed and completed by initial applicant (see attached).	All initial applicants with a criminal conviction or disciplinary action, or both.
Certified court record of each criminal conviction, including conviction date, sentence imposed, verification of closure of criminal case with the closure date , sent directly to the Board by the official record depository. <i>(Initial applicant must arrange.)</i>	All initial applicants with criminal convictions outside of Massachusetts.
Certified record of the final written determination of each disciplinary action, including closure issued by a licensure/certification body against the initial applicant's license. <i>(Initial applicant must arrange.)</i>	All initial applicants requiring GMC compliance evaluation due to disciplinary action.
Certified record of all documentation related to the denial, voluntary resignation or voluntary surrender of a license issued by a licensure/certification body. <i>(Initial applicant must arrange.)</i>	All initial applicants denied a license by a licensure/certification body, or who resigned or surrendered a license.
Initial applicant's <i>signed</i> written explanation about each criminal conviction or disciplinary action, or both , including: <ul style="list-style-type: none"> • a description, with dates, of the conviction(s) or disciplinary action(s), or both; • a description of the criminal sentence(s) and court-ordered requirement(s), and/or disciplinary sanction(s) imposed and served with the dates each criminal case or disciplinary action was closed; • a detailed description of the circumstances surrounding each criminal conviction, or disciplinary action, or both; • actions taken by the applicant to prevent the recurrence of conduct underlying each criminal conviction, or disciplinary action, or both; • if the application is for initial licensure <i>by examination</i>: a description of the applicant's participation in extracurricular activities during nursing program enrollment; professional and community activities and professional goals; and • if a criminal conviction, or disciplinary action, or both, <i>involve(s) alcohol or drug use</i>: a detailed description of interventions and support systems currently used by applicant to maintain sustained recovery. <p>This explanation must be typed in business format, addressed to the Board, and include the date written, applicant's full name, address, email address, telephone number and the applicant's signature.</p>	All initial applicants. <p>Note: Initial applicants are <i>strongly</i> advised to obtain and review a copy of their record of criminal conviction(s), or disciplinary action(s), or both, to assure that they fully address all matters in their written explanation to the Board.</p>

Initial applicant's <i>current</i> resume.	All initial applicants.
Reference from nursing program instructor who has observed the applicant's conduct on a weekly basis. Each reference must be written on academic institution letterhead, be addressed to the Board, and include the date written, length of time and capacity in which the instructor has known the applicant, and the author's signature. <i>Note: Clinical evaluations will not be accepted. (Initial applicant must arrange.)</i>	All initial applicants for licensure by <i>examination</i> only.
Reference from recent or current employment supervisor. Each reference must be originally written on the employer's letterhead, be addressed to the Board, and include the date written, length of time and capacity in which the author has known the applicant, and the author's signature. <i>(Initial applicant must arrange.)</i>	All initial applicants.
Written verification(s) from Probation Officer(s) of the applicant's compliance with all court-ordered stipulations and closure of the applicant's criminal case(s). Each verification must be written on official court letterhead, be addressed to the Board, and include the date written, length of time the Probation Officer has known the applicant, and be signed by the Probation Officer. <i>Note: The Board will not accept copies of the documentation. (Initial applicant must arrange.)</i>	All initial applicants with court-ordered probation.
Certified discharge record(s) from drug and/or alcohol education or treatment program(s), or both. <i>(Initial applicant must arrange.)</i>	All initial applicants discharged from drug and/or alcohol education and treatment programs, or both.
Written verification from sponsor of the applicant's maintenance of sobriety and active participation in a Twelve-Step Program, including the frequency and duration of applicant's attendance. Each verification must be original, be addressed to the Board, and include the date written, and the author's signature. Sponsor may sign only his or her first name. <i>(Initial applicant must arrange.)</i>	All initial applicants with a history related to or involving alcohol and/or drugs.

Where to send required documentation

Initial Licensure by Examination Applicants	Initial Licensure by Reciprocity Applicants
Board of Registration in Nursing c/o NCLEX Administrative Assistant 239 Causeway Street, Suite 200 Boston, MA 02114	Board of Registration in Nursing c/o Reciprocity Administrative Assistant 239 Causeway Street, Suite 200 Boston, MA 02114

- ☒ All initial applicants are advised to use U.S. Postal Service Registered Mail when submitting required documentation in order to receive a dated confirmation of receipt by the Board. Telephone confirmation of document receipt is *not* available.

The Board will notify initial applicants in writing of the outcome of its GMC evaluation. Initial applicants whom the Board determines do not comply with the GMC requirement will be denied nurse licensure, or authorization, or both, in Massachusetts. The Board will specify the circumstances, if any, under which the Board would find an applicant denied licensure, or authorization, or both, to be sufficiently rehabilitated and therefore potentially eligible for nurse licensure or authorization, or both, in Massachusetts.

Note carefully: When the Board determines that an applicant for APRN authorization is not eligible for such authorization based on the applicant's failure to demonstrate compliance with the GMC requirement, the Board will open a complaint against the APRN applicant's Massachusetts Registered Nurse license.

**CRIMINAL OFFENDER RECORD INFORMATION REQUEST FORM**

Date _____

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